



COPY

PATENT

Docket No.300622002611

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Sequence, Assistant Commissioner for Patents, Washington, D.C. 20231, on February 21, 2002

I.B.B.

Irina Brtva

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher REEVES et al.

Serial No.: 09/940,316

Filing Date: August 27, 2001

For: POLYNUCLEOTIDES ENCODING THE
fkbA GENE OF THE FK-520
POLYKETIDE SYNTHASE GENE
CLUSTER

Examiner: To be Assigned

Group Art Unit: 1652

TRANSMITTAL

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Attached hereto for filing are the following:

1. Response to Notice to Comply
2. Copy of Notice to Comply
3. A compact disc copy of the substitute Sequence Listing on CD-R (COPY 1)
 - Machine format: IBM PC COMPATIBLE
 - Operating system: PC-DOS/MS-DOS
 - File contained on CD: 3006220026.txt (521 KB)
 - Date recorded: February 19, 2002

4. A duplicate compact disc copy of the substitute Sequence Listing on CD-R (COPY 2)
 - Machine format: IBM PC COMPATIBLE
 - Operating system: PC-DOS/MS-DOS
 - File contained on CD: 3006220026.txt (521 KB)
 - Date recorded: February 19, 2002
5. A computer readable form copy of the substitute Sequence Listing on CD-R (CRF COPY)
 - Machine format: IBM PC COMPATIBLE
 - Operating system: PC-DOS/MS-DOS
 - File contained on CD: 3006220026.txt (521 KB)
 - Date recorded: February 19, 2002
6. Return postcard

In the unlikely event that the Patent Office determines that extensions and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or fees due to our Deposit Account No. 03-1952 under Order No. 300622002611. The Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

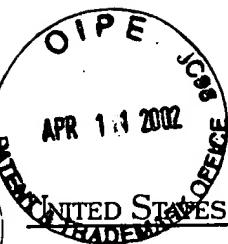
Respectfully submitted,

Dated: February 21, 2002

By:

Brenda J. Wallach
Brenda J. Wallach, Ph.D.
Registration No. 45,193

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3811 Valley Centre Drive
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0390

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/940,316	08/27/2001	Reeves, Christopher	300622002611

Carolyn A. Favorito
Morrison & Foerster LLP
Suite 500
3811 Valley Centre Drive
San Diego CA 92130-2332

Title: Polynucleotides encoding the fkbA gene of the FK-520 polyketide synthase gene cluster

Date Mailed: 03/28/2002

Request for Substitute Papers

The papers filed on 03/05/02 and CD's (certificate of mailing dated 02/21/02) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703 - 746 - 9195**

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Brenda J Wallach Registration No.: 45,193

Signature: Brenda J Wallach Date: 4/10/02

UNSTAPLED Re-Submit Papers
REMINDER: 4/8/02
DUE DATE: 4/11/02
FINAL DUE DATE: 4/11/02

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APR 03 2002

MORRISON & FOERSTER
SAN DIEGO

Docket No.: 300622002611	Atty: Brenda J. Wallach <i>MS</i>
Serial No.: 09/940,316	Filing Date: August 27, 2001
Title: POLYNUCLEOTIDES ENCODING THE fkbA GENE OF THE FK-520 POLYKETIDE SYNTHASE GENE CLUSTER	
Hand Delivered: April , 2002	

Papers enclosed herewith:

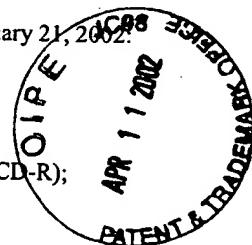
1. Copy of Request for Substitute Papers (1 page);
2. Copies of the documents submitted in response to Notice to comply on February 21, 2002:
 - a) transmittal (2 pages);
 - b) response to Notice to comply (3 pages);
 - c) copy of Notice to comply (1 page);
 - d) copy and duplicate copy of the substitute Sequence Listing (2 CD-Rs);
 - e) computer readable form copy (CRF) of the substitute Sequence Listing (1 CD-R);
 - f) copy of return postcard
3. Return postcard

Docket No.: 300622002611	Atty: Brenda J. Wallach <i>MS</i>
Serial No.: 09/940,316	Filing Date: August 27, 2001
Title: POLYNUCLEOTIDES ENCODING THE fkbA GENE OF THE FK-520 POLYKETIDE SYNTHASE GENE CLUSTER	
Hand Delivered: April 11 , 2002	

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/940,316	08/27/2001	Christopher Reeves	300622002611

CONFIRMATION NO. 5488

FORMALITIES LETTER



OC00000007223804

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 3811 Valley Centre Drive
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DOCKETED SEQ DATA DUEREMINDER: DUE DATE: 2/21/2002FINAL DUE DATE: 7/21/2002

Date Mailed: 12/21/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A request to transfer the computer readable form from another application on file at the U.S. Patent and Trademark Office has been submitted as permitted by 37 C.F.R. 1.821(e). However, the request cannot be complied with since there is no compliant CRF present at the United States Patent and Trademark Office. Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

RECORDED

For questions regarding compliance to these requirements, please contact:

JAN 02 2001

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY